



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup
Professionals

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PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on June 25, 2009

Approved on July 23, 2009

Prepared by: Lynn Peterson Read

Meeting Location: Raytheon Corporation
870 Winter Street
Waltham, Massachusetts

- 1. Call to Order:** Deborah Stake called the meeting to order at 2:58 p.m. Also present were Janine Commerford, Kirk Franklin, Jack Guswa, Robert Luhrs, and Gretchen Latowsky. Deborah Farnsworth joined the meeting at 2:55. Gail Batchelder, Kelley Race, and Christophe Henry were absent. Staff members present were Allan Fierce, Terry Wood, Brian Quinlan, Allen Wyman, and Lynn Read. Also present was Wes Stimpson of the LSP Association.
- 2. Announcements:** There were no announcements.
- 3. Previous Minutes:** The draft minutes of the meeting held on April 14, 2009, were approved with minor edits. (No meeting of the Committee was held in May 2009.)
- 4. Old Business**

A. Status of Complaint Review Teams

At Ms. Stake's request, the chair of each Complaint Review Team (CRT) reported on progress made during the last month.

B. Report from Screening Team Regarding Complaint 09C-01.

The members of the Screening Team are Ms. Batchelder, Mr. Henry, and Ms. Wood, and only Ms. Wood was present. Therefore, a motion was made, seconded, and passed

unanimously to table the consideration of the Screening Team's recommendations until the next meeting of the Committee.

C. Report from Course Subcommittee

Ms. Commerford stated that the subcommittee has not met.

D. Request for retroactive approval of a course to satisfy the terms of an ACO with the Board.

This item had been discussed and then tabled at the Committee's meeting on April 14. Ms. Wood again explained that an LSP who had entered into an Administrative Consent Order (ACO) with the Board to resolve a disciplinary case had requested retroactive approval to take a professional education course. The ACO had required the LSP to obtain a number of additional continuing education credits from courses in certain fields. The ACO specified that the LSP was to seek the Board's approval of a course before taking it. Although this procedure had been followed for prior courses, the LSP stated that in this instance s/he forgot to seek the Board's approval before taking the course. Now the LSP was seeking the Board's retroactive approval, which would enable the credits earned to be applied towards meeting the ACO credit requirements. In discussing this matter, the Board members generally agreed that they would have approved the course if the LSP had requested approval prior to taking it. However, some members were reluctant to excuse a clear violation of the terms of an ACO.

Ms. Latowsky moved that the Board approve the LSP's request to approve the course retroactively. Mr. Franklin seconded the motion. The motion was approved by a vote of 4 to 3. Voting in favor were Ms. Farnsworth, Mr. Franklin, Mr. Guswa, and Ms. Latowsky. Voting against were Ms. Commerford, Mr. Luhrs, and Ms. Stake.

5. New Business

A. Complaint 09C-02.

The Complaint was filed by a private party and alleges, among other things, that in conducting an Immediate Response Action, the LSP wrongly identified the source and type of contaminant released to a wetland from a stormwater drain outfall. The Committee reviewed redacted copies of the Complaint and the LSP's Response from which all of the identifying information was removed. After discussion of the Complaint and the Response filed by the LSP, a motion was made and seconded to appoint a Screening Team to look more closely into the matter and to report back with a recommendation whether a full investigation should be conducted by a Complaint Review Team. The motion passed unanimously. The Board members present appointed Ms. Commerford, Mr. Franklin, and Mr. Fierce to serve as the Screening Team.

B. Complaint 09C-03 (dismissed by staff on 6/11/09). Ms. Wood reported that in June the staff had received a new complaint regarding an LSP's work at a site that had been included

in an Administrative Consent Order in a previous disciplinary case. The Board staff, therefore, dismissed Complaint 09C-03. The Board members present concurred with the staff's decision.

- 6. Future Meetings:** The Committee will meet next on July 23, 2009, at the New Bedford Whaling Museum. The Committee is also tentatively scheduled to meet on August 27, 2009, at a location to be determined.
- 7. Adjournment:** The meeting was adjourned at approximately 3:27 p.m.